

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephanie Dukich	Team: Squad #8	CCRB Case #: 202107555	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 07/02/2021 6:10 AM	Location of Incident: § 87(2)(b) § 87(2)(b)	Precinct: 26	18 Mo. SOL 1/2/2023	EO SOL 1/2/2023	
Date/Time CV Reported Mon, 12/13/2021 12:38 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 12/13/2021 12:38 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT2 Johnpaul Slater	06994	923188	NBMN MAJOR
2. DT2 Raymond Low	04743	936985	NBMN MAJOR

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT2 Deon Ayala	06180	938006	NBMN MAJOR
2. SGT DS Nicole Tirado	04796	931332	DA BX
3. DT1 John Hourican	06119	903024	NBMN MAJOR
4. DT3 Morgan Jones	04167	914825	NARCBMN
5. CPT Kurtis Rose	00000	946196	NBMN MAJOR
6. DT2 Roberto Cordero	04445	936387	INT EPU
7. SGT Sid Caesar	01309	932396	PSA 6
8. DT2 Erick Ortiz	03383	906986	NBMN MAJOR

Officer(s)	Allegation	Investigator Recommendation
A.DT2 Johnpaul Slater	Abuse: Detective Johnpaul Slater entered § 87(2)(b) in Manhattan.	
B.DT2 Johnpaul Slater	Abuse: Detective Johnpaul Slater searched § 87(2)(b) in Manhattan.	
C.DT2 Raymond Low	Abuse: Detective Raymond Low damaged § 87(2)(b) s property.	

Case Summary

On December 13, 2021, § 87(2)(b) filed this complaint via the CCRB's call processing system.

On July 2, 2021, at approximately 6:10 a.m., Detective JohnPaul Slater of Narcotics Borough of Manhattan North entered and searched § 87(2)(b)'s residence, located at § 87(2)(b) § 87(2)(b) in Manhattan (**Allegations A and B: Abuse of Authority**, § 87(2)(g) Detective Raymond Low of Narcotics Borough of Manhattan North allegedly damaged a television in § 87(2)(b)'s bedroom (**Allegation C: Abuse of Authority**, § 87(2)(g) § 87(2)(g)).

The officers involved in this incident were not equipped with body-worn cameras (Board Review 01).

Photographs of the television were provided to the investigation by § 87(2)(b)'s girlfriend (Board Review 02).

§ 87(2)(b)

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective JohnPaul Slater entered § 87(2)(b) § 87(2)(b) in Manhattan.

Allegation (B) Abuse of Authority: Detective JohnPaul Slater searched § 87(2)(b) § 87(2)(b) in Manhattan.

On December 15, 2021, § 87(2)(b) stated that on July 2, 2021, at approximately 5:30 a.m., he woke up to make breakfast for his children who were sleeping in the living room of his apartment located at § 87(2)(b) § 87(2)(b) in Manhattan. § 87(2)(b)'s mother, § 87(2)(b) § 87(2)(b) her husband, § 87(2)(b)'s brother, § 87(2)(b) and § 87(2)(b)'s girlfriend, § 87(2)(b) were all in the apartment. § 87(2)(b) was in the bathroom when § 87(2)(b) woke up, while the rest of the apartment's occupants were sleeping in three separate rooms. The kitchen and hallway lights were on, though the apartment was mostly dim. § 87(2)(b) lives in a NYCHA apartment in a 21-story building. The living room is to the right when you walk in, and there is a hallway to the left that leads to three bedrooms and the kitchen. The kitchen is approximately a foot away to the left of the front door.

At around 6:10 a.m., § 87(2)(b) heard a banging on the wall in the hallway outside his door. He did not hear any banging on his door specifically. He listened to the banging for around 30 seconds to a minute and heard nondescript chatter. The banging did not sound like a knock. He did not hear what was being said and could not identify how many voices he heard. He opened his front door approximately half a foot to see what was going on outside and saw a navy-blue police shield that had "police" written across the front approximately a foot to the right of his door. He did not see anybody holding the shield nor any officers because his vision was obstructed by the shield. § 87(2)(b) closed and locked the door instantly because he did not know that the police were there for him and wanted to ask his mother if she knew anything about why the police were at the door.

As soon as § 87(2)(b) closed the door, one of the officers said either "The door opened" or "He opened the door." Multiple officers shouted what § 87(2)(b) made out to be "Police, go go go" while banging on the door four to five times. After about two knocks, § 87(2)(b) saw that the door was already coming off its hinges, and that he would not have enough time to approach and to open

it. § 87(2)(b) said, “Wait wait wait,” and lay down to the left of the front door, with his back on the floor and his hands up in the air. Both of his shoulders were touching the walls to his left and right, as the hallway is narrow. Within twenty to forty seconds, approximately fifteen officers entered the apartment. Sgt. Kelly approached § 87(2)(b) and lifted him by picking him up by his right arm. He did not issue any commands to § 87(2)(b) before lifting him off the floor. He placed § 87(2)(b)'s hands behind his back, handcuffed him, led § 87(2)(b) to the kitchen, and sat him down in a chair. § 87(2)(b) did not feel any force as he was being handcuffed because he did not resist, and PO Slater handcuffed § 87(2)(b) almost immediately. § 87(2)(b) did not lean against any wall while he was being handcuffed and was just standing straight. Sgt. Kelly was the only officer who handcuffed him, and the process lasted for just a few seconds.

Sgt. Kelly stood around § 87(2)(b) while the rest of the officers went into various rooms and escorted all the individuals in the house into the living room. § 87(2)(b) was seated in the kitchen for approximately 15 minutes while the rest of the officers continued to search his apartment. § 87(2)(b) could not see specifically where officers searched because he did not have a clear view from the kitchen. § 87(2)(b) was then escorted downstairs and into a police vehicle downstairs, where multiple police vehicles were parked on the street. No force was used to get § 87(2)(b) to comply with police instructions. § 87(2)(b) did not sustain any injuries as a result of this incident. He was then arrested in the 26th Precinct for “Conspiracy.” Of his personal items, two jackets, his cellphone, a composition notebook, a scale, and an empty plate was confiscated as evidence (Board Review 04).

§ 87(2)(b)'s testimony to the CCRB on December 23, 2021, was consistent with § 87(2)(b)'s aside from the following: Before the officers left, they provided § 87(2)(b) with an arrest warrant for narcotics. § 87(2)(b) nor any other resident retained a copy of the warrant nor took a picture.

When § 87(2)(b) returned to her room, she noticed that the television was no longer in its position standing upright on the shoe rack. Instead, the television lay flat on the bed, with one of it on the bed and the other part was on the shoe rack. The television was not taken apart in any way, and it did not appear to § 87(2)(b) that the officers searched inside the television. The television screen was covered with static when § 87(2)(b) attempted to turn it on and completely ceased to work within the next week. The rack that the television sits on contains a couple pairs of shoes and around four shoe boxes, though they can be accessed without moving the television off the rack. The officers took out all the shoes in the shoe boxes off the rack (Board Review 05).

A search warrant was obtained by Det. Slater on July 1, 2021, for the location (Board Review 06).

In the post-tactical plan prepared for this incident, Det. Low is listed as the “Assist” (Board Review 07).

The evidence seizure report prepared for this incident states the following in the event details: “AT T/P/O during the execution of the search warrant at subject location I did seize voucher the following USC, Narcotics, and clothing” (Board Review 08).

A photograph sent to the investigation by § 87(2)(b) entitled “\IMG_1076.jpeg” depicts the right wall of a room when you walk through the door. There are two shoe racks with various items in and atop them. On the rack towards the back of the wall, there is a television leaning on the wall. No apparent damages to the television are visible (Board Review 02).

§ 87(2)(b) stated that she had already moved the television back to a standing position before taking the photograph (Board Review 09).

Det. Slater testified on April 26, 2022, that on July 2, 2021, at approximately 6:10 a.m., he was with a field team of around seven to ten officers at the location. Their assignment was to search the location and arrest § 87(2)(b) for conspiracy. As Det. Slater was the arresting officer, his specific assignment did not involve searching the location. Det. Low was assigned to be the searching officer. The team had an arrest and a search warrant active at the time of the entry. Specifically, the search warrant was for clothing: jackets, sweatshirts, and hoodies. They did not have any information about where the clothing in that apartment was, nor whether it was packaged into anything. In addition to clothing, they were looking for cell phones, telephones, cameras, video recorders, and video game consoles. Additionally, they were looking for books, pamphlets, and guides containing information. They were also looking for containers capable of storing any of the aforementioned items, including safes and lock boxes. The officers were not looking for a television in the search, and to Det. Slater's understanding, none of the items that they were looking for could have reasonably fit inside the television. Prior to arriving at the location, the field team had a meeting to discuss their tactical plan. Sgt. Kelly, who was the supervisor, did not issue any instructions to the officers prior to the entry.

The field team enacted an entry into the apartment. Sgt. Kelly entered with the field team. Det. Slater could not remember if anyone from the team remained outside with him. Around a minute or two later, Det. Slater also entered the apartment. Upon entering, he observed a living room area to the right and a kitchen to the left, then a hallway and bathrooms at the end of the hall. By the time he entered, § 87(2)(b) was already in handcuffs in the kitchen area. Det. Slater talked to § 87(2)(b) and let him know why they were there. He then spoke with § 87(2)(b)'s family and showed the mother the search warrant, which she signed. Det. Slater then walked around briefly and took photographs of the apartment. Det. Low also took photographs of the apartment which he emailed to Det. Slater's NYPD email. Det. Slater did not search anything inside the apartment but entered various rooms to familiarize himself with the apartment for court purposes.

Det. Slater entered § 87(2)(b)'s bedroom. Det. Low was inside, searching inside the closet. Det. Slater could not remember the layout of the room. He did not see Det. Low search any other area other than the closet. Det. Slater did not know for how long Det. Low was inside that room, because Det. Slater was inside the room briefly. Det. Slater did not remember seeing a television inside § 87(2)(b)'s room. He did not see Det. Low touch or otherwise handle a television in § 87(2)(b)'s room, nor anywhere else in the apartment. He did not see any officer break a television at any time. Det. Slater did not learn that an officer searched inside the television at any time. Det. Low did not mention that there was any property damage as a result of his search.

Det. Slater was in the apartment for a few minutes before leaving to another job. From the apartment, officers ultimately recovered a driver's license, miscellaneous paperwork from Geico, more paperwork from a book, a cellphone, cocaine, a scale with residue, other paraphernalia, and two jackets. The door to the apartment was secured at 7:15 a.m., at which time the rest of the officers left (Board Review 10).

Det. Low testified on June 22, 2022, that he did not recall this incident. He stated that he is familiar with § 87(2)(b)'s name, though he could not put a face to the name. § 87(2)(e), § 87(2)(f)
§ 87(2)(b). He could not recall what the search warrant was for, nor whether a television was one of the items they were looking for. He did not know if any of the items they were looking for could fit inside a television. He believed that § 87(2)(b) was one of the individuals who was to be arrested that day. Nothing specific stood out to him regarding this job.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- Det. Slater has been a member of service for 23 years and has been a subject in ten CCRB complaints and 24 allegations, of which one was substantiated:
 - 201205225 involved substantiated allegations of Abuse of Authority against Det. Slater. The Board did not recommend a penalty and the NYPD did not impose a penalty.
- Det. Low has been a member of service for 17 years and has been a subject in six CCRB complaints and fourteen allegations, of which one was substantiated:
 - 201806662 involved substantiated allegations of Abuse of Authority against Det. Low. The Board recommended charges and the NYPD did not impose a penalty.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 20, 2022, a Notice of Claim FOIL request was filed with the New York City Office of the Comptroller (Board Review 15). The results are pending.

§ 87(2)(c), § 87(2)(b)

Squad: 8

Investigator:	<u>Stephanie Dukich</u>	<u>Inv. Stephanie Dukich</u>	<u>July 20,</u>
2022	Signature	Print Title & Name	Date

Squad Leader:	<u>Ethan De Angelo</u>	<u>IM Ethan De Angelo</u>	<u>July 21, 2022</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date